

Judge Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA S. MACKE and
JAMIE L. MACKE,

Defendants.

NO. CR060-127RSM

SECOND ORDER
CONTINUING TRIAL DATE

This matter having come before the undersigned Court by stipulation and motion of counsel, the United States through the United States Attorney for the Western District of Washington, Susan M. Roe, Assistant United States Attorney for said district, and Joshua Macke by and through his attorney David Gehrke and Jamie Macke by and through her attorney Stewart Riley, the Court being fully advised in the matter, now finds that;

The trial was scheduled for September 11, 2006. The motion is made because there is a strong possibility that the matter will resolve short of trial as to both defendants, however, the schedules of counsel has delayed the resolution.

All counsel have been diligent in addressing this matter, however resolution of this matter is affected by a continuing investigation into many other targets. The complicated facts of the investigation and of other targets delay determination of the parameters of these defendants' culpability. Further investigation may tend to exculpate one of these

1 defendants and both defendants stand to benefit by further investigation. After more
 2 investigation, the attorneys may need additional time for discussion and additional
 3 necessary attorney-counsel discussion. None of this can be accomplished satisfactorily
 4 prior to trial.

5 All parties believe that with the continuance, this matter will be handled other than
 6 with a trial and that the continuance may be to the defendants' benefit.

7 The Court is aware that time limitations for trial and speedy trial concerns are set
 8 forth in Title 18, United States Code, Section 3161.

9 Section 3161(h) outlines the periods of excludable time, including:

10 (8)(A) Any period of delay resulting from a continuance
 11 granted by any judge on his own motion or at the request of
 12 the defendant or his counsel or at the request of the attorney
 13 for the Government, if the judge granted such continuance on
 14 the basis of his findings that the ends of justice served by
 15 taking such action outweigh the best interest of the public and
 16 the defendant in a speedy trial. No such period of delay
 17 resulting from a continuance granted by the court in
 18 accordance with this paragraph shall be excludable under this
 19 subsection unless the court sets forth, in the record of the
 20 case, either orally or in writing, its reasons for finding that the
 21 ends of justice served by the granting of such continuance
 22 outweigh the best interests of the public and the defendant in
 23 a speedy trial.

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1 In this matter, the Court finds that further time is reasonable and necessary as the
2 requested time is within the speedy trial time period. Further, that the ends of justice,
3 especially those which deal with consideration of victims and witnesses, are served by the
4 requested continuance as this Title 21 trial has few civilian witnesses and no known
5 victims. Therefore, the trial date is continued from September 11, 2006 until October 23,
6 2006.

7 Dated this 8th day of September, 2006.

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11 RICARDO S. MARTINEZ
12 UNITED STATES DISTRICT JUDGE

13 Presented by:

14 s/ Susan M. Roe
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